



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,605	04/22/2004	Michael L. O'Banion	0275A-000749	6857
7590 02/10/2006 Harness, Dickey and Pierce, P.L.C. P.O. Box 828 Bloomfield Hills, MI 48303			EXAMINER BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER

3724

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/829,605

Applicant(s)

O'BANION ET AL.

Examiner

Carolyn T. Blake

Art Unit

3724

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-14, 20, 22, 23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-14, 20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species I and Species A in the reply filed on December 16, 2005 is acknowledged.
2. Claim 25 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Although Applicant noted claim 25 reads on the elected embodiment, the examiner disagrees and has withdrawn this claim. This claim requires a second quick release mechanism, whereas the elected embodiment only has one quick release mechanism.

### ***Information Disclosure Statement***

3. The photographs submitted for the examiner's review were difficult to view. If Applicant believes these photographs are important for the examiner's understanding of the invention, mailing the photographs (rather than faxing) is recommended.

### ***Drawings***

4. The drawings are objected to because assembly lines are not shown in the exploded views (FIGS 3, 8, 13). The addition of these lines for proper understanding of part assembly is required.
5. The drawings are objected to because the spring "46" is not shown in the exploded view of FIG 3. Applicant is reminded that all components of the invention should be shown in an exploded view.
6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

7. The disclosure is objected to because of the following: It is unclear if the mounting bracket 22 and block 38 are separate components or part of the same components. Clarification is required.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 5-8, 10, 12, 13, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson (3,105,530).

Regarding claim 1, Peterson discloses a table saw guard assembly as claimed, including: a support structure; and a hood assembly mounted to said support structure including a first side curtain (46) and a second side curtain (46), wherein each of said first and second side curtains (46) are independently movable relative to said support structure.

Regarding claim 5, Peterson discloses the hood assembly further including a locking mechanism (including 21, 28, 29) adapted to selectively engage and secure said at least one of said first and second side curtains (46).

Regarding claim 6, Peterson discloses said locking assembly includes a screw (28) and a wing nut (29).

Regarding claim 7, Peterson discloses said first and second side curtains (46) independently move in response to a force applied by a work piece.

Regarding claim 8, Peterson discloses said first and second side curtains (46) are moveable in accordance with said engagement of said locking mechanism.

Regarding claim 10, Peterson discloses said first side curtain (46) includes a first coupler (50, 37), and said second curtain (46) includes a second coupler (30, 37, 50) adapted to engage said first coupler thereby connecting said first and second side curtains (46).

Regarding claim 12, Peterson discloses each of said first and second side curtains (46) are independently removable from said hood assembly.

Art Unit: 3724

Regarding claim 13, Peterson discloses a table saw guard assembly as claimed, including: a support structure; and a hood assembly connected to said support structure including a first side curtain (46) and a second side curtain (46), wherein each of said first and second side curtains (46) are independently removable from said hood assembly.

Regarding claim 20, Peterson discloses each of said first and second side curtains (46) are independently moveable relative to said support structure.

Regarding claim 22, Peterson discloses a table saw guard assembly as claimed, including: a support structure (including 7, 12); a hood assembly connected to said support structure including a mounting member (30), a first side curtain (46) and a second side curtain (46); said first and second side curtains each being independently connected to said mounting member; a first locking assembly (50) for independently and selectively removing each of said first and second side curtains (46) from said mounting member (30); and a second locking assembly (28, 29) for selectively removing said mounting member (30) from said support structure (12).

10. Claims 1, 10, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Curran (3,606,718).

Regarding claims 1 and 13, Curran discloses a device capable of functioning as a table saw guard assembly comprising: a support structure (96); and a hood assembly mounted to said support structure (via fasteners 90) including a first side curtain (20C) and a second side curtain (20D), wherein each of said first and second side curtains (20C, 20D) are independently movable relative to said support structure and

Art Unit: 3724

independently removable from said hood assembly. It should be noted that the table saw and saw blade are not positively recited. As such, the Curran device anticipates the claims because it is capable of acting as a table saw guard. For instance, a wall and panel device could be erected around a table saw, thus acting as a table saw guard. Also, the panels are separable via a snap connection and are separably installed. Thus, they can be considered "independently movable relative to said support structure."

Regarding claim 10, Curran discloses said first side curtain (20C) includes a first coupler (42C), and said second curtain (20D) includes a second coupler (58D) adapted to engage said first coupler thereby connecting said first and second side curtains (20C, 20D).

Regarding claim 11, Curran discloses said first coupler (20D) includes a female snap-fit connector and said second coupler (58D) includes a male snap-fit connector adapted to selectively interconnect with the first coupler providing for codependent movement of said first and second side curtains (20C, 20D).

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4, 7, 10, 12-14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behne et al (6,736,042) in view of Peterson.

Behne et al disclose a table saw guard assembly substantially as claimed, including a support structure; a hood assembly (410) mounted to said support structure including a first side curtain and a second side curtain; a riving knife (350); and a quick release mechanism (355) for selectively engaging said support system structure.

To the extent it can be argued that Behne et al does not disclose a lock pin and aperture but rather a projection and recess, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a different type of quick release mechanism because Applicant has not disclose that the pin-aperture mechanism provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a projection-recess mechanism because both mechanisms provide a quick-release function. Therefore, it would have been an obvious matter of design choice to modify Behne et al to obtain the invention as specified in claim 4.

Behne et al fail to disclose the first and second side curtains are independently moveable and removable. However, Peterson et al disclose a table saw guard assembly including: a support structure; and a hood assembly mounted to said support structure including a first side curtain (46) and a second side curtain (46), wherein each of said first and second side curtains (46) are independently movable relative to said support structure and removable from said hood assembly. The Peterson guard allows for maximum blade coverage during a variety of cutting operations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made



Art Unit: 3724

to provide independent side curtains, as taught by Peterson, with the Behne et al device for the purpose of maximum blade coverage.

13. Claims 2, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson as applied to claims 1, 13, and 22 above, and further in view of Akin (2,731,049).

Peterson discloses a spring strip guard at the rear of the blade guard for holding a work piece, but fails to disclose a riving knife. However, Akin discloses a table saw guard assembly wherein a riving knife (54) is employed. The riving knife separates cut work pieces. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the spring strip guard of the Peterson device a riving knife, as taught by Akin, for the purpose of separating cut work pieces.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vogl et al (3,249,134), Puzio et al (6,131,629), and Sartori (6,578,460) disclose table saw guards.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-4503. The examiner can normally be reached on Monday to Friday, 8:00 AM 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CB

February 3, 2006



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700